

## **REPORT OF THE COMMITTEE ON HUMAN RELATIONS**

**June 24, 2008**

The Honorable,  
The Board of Commissioners of Cook County

### **ATTENDANCE**

Present: Chairman Quigley, Commissioners Collins, Maldonado and Suffredin (4)

Absent: Vice Chairman Silvestri, Commissioners Peraica and Steele (3)

Also Present: Patrick Driscoll, Jr. – Deputy State's Attorney, Chief, Civil Actions Bureau.

Ladies and Gentlemen:

Your Committee on Human Relations of the Board of Commissioners of Cook County met pursuant to notice on Tuesday, June 24, 2008 at the hour of 09:30 AM in the Board Room, Room 569, County Building, 118 North Clark Street, Chicago, Illinois.

Your Committee has considered the following items and upon adoption of this report, the recommendations are as follows:

294614      AMENDMENT TO THE COOK COUNTY EMPLOYEE DOMESTIC PARTNERSHIP BENEFITS RESOLUTION (PROPOSED RESOLUTION AMENDMENT). Submitting a Proposed Resolution Amendment sponsored by Todd H. Stroger, President and Mike Quigley, County Commissioner; Co-sponsored by Forrest Claypool, Roberto Maldonado and Larry Suffredin, County Commissioners.

The following is a synopsis of the Proposed Resolution Amendment:

### **PROPOSED RESOLUTION AMENDMENT**

#### **AN AMENDMENT TO THE COOK COUNTY EMPLOYEE DOMESTIC PARTNERSHIP BENEFITS RESOLUTION**

**WHEREAS**, the Cook County Board of Commissioners is committed to fairness and nondiscrimination in the workplace; and

**WHEREAS**, the County of Cook, Illinois ("County") is a home rule unit pursuant to Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois and is constitutionally authorized to exercise any power and perform any function pertaining to its government and affairs; and

**WHEREAS**, the recruitment, hiring, retention and compensation of County Employees and the terms, privileges and conditions of their employment are matters pertaining to the County's government and affairs; and

**WHEREAS**, many private companies, including approximately 500 Fortune 1000 companies, and many units of local government, as well as numerous colleges and universities, provide health insurance and other benefits to Employees for their domestic partners; and

**WHEREAS**, the County desires to offer benefits similar to benefits offered by private employers and other public employers to allow the County to attract and retain high quality public sector employees; and

**WHEREAS**, the County has home rule authority to provide County Employees with Qualified Domestic Partners, as defined herein, comparable benefits to those the County provides to Employees with spouses.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF COOK COUNTY, ILLINOIS, AS FOLLOWS:**

**SECTION I. TITLE**

**SECTION II. DEFINITIONS**

**SECTION III. BENEFITS AND ELIGIBILITY**

**SECTION IV. RULES AND REGULATIONS**

**SECTION V. SEVERABILITY**

**SECTION VI. EFFECTIVE DATE**

~~This Resolution shall take effect on April 6, 1999. This Resolution goes into effect immediately upon passage.~~

**\*Referred to the Committee on Human Relations on 6/17/08.**

**Commissioner Suffredin, seconded by Commissioner Maldonado, moved the approval of Communication No. 294614. The motion carried.**

**AMENDMENT TO RESOLUTION 99-R-178**

**(Comm. No. 294614)**

**Sponsored by**

**THE HONORABLE TODD H. STROGER, PRESIDENT,  
COOK COUNTY BOARD OF COMMISSIONERS and THE HONORABLE MIKE QUIGLEY,  
COUNTY COMMISSIONER**

**Co-Sponsored by**

**THE HONORABLE FORREST CLAYPOOL, ROBERTO MALDONADO AND  
LARRY SUFFREDIN, COUNTY COMMISSIONERS**

**COOK COUNTY EMPLOYEE DOMESTIC PARTNERSHIP BENEFITS RESOLUTION**

**WHEREAS**, the Cook County Board of Commissioners is committed to fairness and nondiscrimination in the workplace; and

WHEREAS, the County of Cook, Illinois ("County") is a home rule unit pursuant to Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois and is constitutionally authorized to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the recruitment, hiring, retention and compensation of County Employees and the terms, privileges and conditions of their employment are matters pertaining to the County's government and affairs; and

WHEREAS, many private companies, including approximately 500 Fortune 1000 companies, and many units of local government, as well as numerous colleges and universities, provide health insurance and other benefits to Employees for their domestic partners; and

WHEREAS, the County desires to offer benefits similar to benefits offered by private employers and other public employers to allow the County to attract and retain high quality public sector employees; and

WHEREAS, the County has home rule authority to provide County Employees with Qualified Domestic Partners, as defined herein, comparable benefits to those the County provides to Employees with spouses.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF COOK COUNTY, ILLINOIS, AS FOLLOWS:

#### SECTION I - TITLE

This Resolution shall be known and may be cited as the Cook County Employee Domestic Partnership Benefits Resolution.

#### SECTION II - DEFINITIONS

As used in this Resolution:

- A. "Affidavit of Domestic Partnership" means an affidavit in the form specified by the Chief of the Bureau of Human Resources.
- B. "Employee" means a person who receives compensation from the County and is eligible for Health Insurance Benefits and Leave Benefits.
- C. "Health Insurance Benefits" means all health insurance coverage, including vision and dental insurance benefits and employee assistance program benefits that the County provides to its Employees.
- D. "Leave Benefits" means leave that the County provides to its Employees.
- E. "Qualified Domestic Partner" means a person who is the domestic partner of an Employee and who satisfies the conditions set forth in Section III (C) of this Resolution.

## SECTION III - BENEFITS AND ELIGIBILITY

- A. An Employee who presents a satisfactory Affidavit of Domestic Partnership to the Chief of the Bureau of Human Resources shall be eligible to receive the same Health Insurance Benefits for his or her domestic partner and the domestic partner's unmarried dependents as the County provides to an Employee for his or her spouse and the spouse's unmarried dependents.
- B. An Employee who presents a satisfactory Affidavit of Domestic Partnership to the Chief of the Bureau of Human Resources shall be eligible to receive the same Leave Benefits with regard to his or her domestic partner or a member of the domestic partner's immediate family as the County would provide to an Employee with regard to his or her spouse or a member of the spouse's immediate family.
- C. An Employee shall be eligible to receive Health Insurance Benefits and Leave Benefits as set forth above in Section III (A) and (B) if the Employee and his or her domestic partner state in an Affidavit of Domestic Partnership that:
1. The Employee and the domestic partner are each other's sole domestic partner and each is responsible for the other's common welfare; and
  2. Neither the Employee nor the domestic partner is married as marriage is defined under Illinois law; and
  3. The Employee and the domestic partner do not have a blood relationship that would otherwise bar marriage in the State of Illinois; and
  4. Both the Employee and the domestic partner are at least 18 years of age, are the same sex, and reside at the same residence; and
  5. At least two of the following four conditions exist:
    - a. The Employee and the domestic partner have resided together during the twelve (12) month period preceding the filing of the Affidavit of Domestic Partnership;
    - b. The Employee and the domestic partner own a residence in either common or joint tenancy;
    - c. The Employee and the domestic partner have at least two of the following arrangements:
      - i. A joint title to a motor vehicle;
      - ii. A joint credit account;
      - iii. A joint checking account;
      - iv. A lease for a residence identifying both the Employee and the domestic partner as tenants;

- d. The domestic partner is identified as a primary beneficiary in the Employee's will.
6. The Employee and his or her domestic partner recognize that to remain eligible to receive the Health Insurance Benefits and Leave Benefits as set forth in Sections III (A) and (B) of this Resolution, the conditions set forth in the Affidavit of Domestic Partnership must continue to be satisfied.
- D. The Employee must notify the Chief of the Bureau of Human Resources in writing within thirty (30) days of any change in the circumstances which have been attested to in the Affidavit of Domestic Partnership. Within thirty (30) days of receipt of such notice, or as soon as practicable thereafter, the Chief shall issue a written determination as to whether the Employee is eligible to receive Health Insurance Benefits and Leave Benefits as set forth in Section III (A) and (B) above. If the Chief determines that the Employee is no longer qualified and eligible to receive these benefits, all benefits accruing to the Employee's domestic partner and the partner's dependent children, except those benefits accruing as a result of the Employee's death, shall be terminated no less than thirty (30) days after the date of the Chief's written determination. The Chief shall immediately provide written notice to the Employee and the domestic partner of this termination.

#### SECTION IV - RULES AND REGULATIONS

The Chief of the Bureau of Human Resources is authorized to promulgate rules and regulations to effectuate the purposes of this Resolution.

#### SECTION V - SEVERABILITY

If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

#### SECTION VI - EFFECTIVE DATE

This resolution goes into effect immediately upon passage.

294613 AMENDMENT TO THE DOMESTIC PARTNERSHIP REGISTRY ORDINANCE (PROPOSED ORDINANCE AMENDMENT). Submitting a Proposed Ordinance Amendment sponsored by Todd H. Stroger, President and Mike Quigley, County Commissioner; Co-sponsored by Forrest Claypool, Roberto Maldonado and Larry Suffredin, County Commissioners.

The following is a synopsis of the Proposed Ordinance Amendment:

#### PROPOSED ORDINANCE AMENDMENT

#### **DOMESTIC PARTNERSHIP REGISTRY ORDINANCE**

**WHEREAS**, Our society has created diverse living arrangements and an expanded concept of the family unit; and

**WHEREAS,** Many persons today live as families in enduring, committed relationships other than legal marriages; and

**WHEREAS,** The County of Cook has an interest in supporting all caring, committed and responsible family units; and

**WHEREAS,** The County also recognizes that it is in the public interest for persons in committed relationships and who share common households to be able to register those relationships formally; and

**WHEREAS,** Over 5,000 companies, foundations, unions, and nonprofit organizations have domestic partnership benefit programs; and

**WHEREAS,** Cook County would be providing a service to those companies, foundations, unions and non-profits in Cook County by creating an official depository of information with a government agency; and

**WHEREAS,** A government-issued certificate of registered domestic partnership makes it easier for small businesses to provide benefits to all types of families,

**NOW, THEREFORE, BE IT ORDAINED,** by the Cook County Board of Commissioners that Chapter 42 Human Relations, Sec. 42-70 through 42-78, of the Cook County Code is hereby amended as follows:

- Sec. 42-70. Short title.**
- Sec. 42-71. Definitions.**
- Sec. 42-72. Domestic partnership registration.**
- Sec. 42-73. Form of affidavit of domestic partnership.**
- Sec. 42-74. Amendment of affidavit of domestic partnership.**
- Sec. 42-75. Termination of registered domestic partnership.**
- Sec. 42-76. Fees.**
- Sec. 42-77. Obligations of new domestic partners.**
- Sec. 42-78. Records.**

**Effective Date:** This ordinance amendment shall be in effect immediately upon adoption.

**\*Referred to the Committee on Human Relations on 6/17/08.**

**Commissioner Suffredin, seconded by Commissioner Maldonado, moved the approval of Communication No. 294613.**

Commissioner Suffredin, seconded by Commissioner Maldonado, moved to accept the Proposed Substitute Ordinance for Communication No. 294613. The motion carried.

**SUBSTITUTE ORDINANCE**  
**(Comm. No. 294613)**

**DOMESTIC PARTNERSHIP REGISTRY ORDINANCE**

**Sponsored By**  
**THE HONORABLE TODD H. STROGER, PRESIDENT,**  
**COOK COUNTY BOARD OF COMMISSIONERS, and MIKE QUIGLEY,**  
**COOK COUNTY COMMISSIONER**

**Co-Sponsored by**  
**THE HONORABLE FORREST CLAYPOOL, ROBERTO MALDONADO AND**  
**LARRY SUFFREDIN, COOK COUNTY COMMISSIONERS**

**WHEREAS,** Our society has created diverse living arrangements and an expanded concept of the family unit; and

**WHEREAS,** Many persons today live as families in enduring, committed relationships other than legal marriages; and

**WHEREAS,** The County of Cook has an interest in supporting all caring, committed and responsible family units; and

**WHEREAS,** The County also recognizes that it is in the public interest for persons in committed relationships and who share common households to be able to register those relationships formally; and

**WHEREAS,** Over 5,000 companies, foundations, unions, and nonprofit organizations have domestic partnership benefit programs; and

**WHEREAS,** Cook County would be providing a service to those companies, foundations, unions and non-profits in Cook County by creating an official depository of information with a government agency; and

**WHEREAS,** A government-issued certificate of registered domestic partnership makes it easier for small businesses to provide benefits to all types of families,

**THEREFORE, IT IS HEREBY ORDAINED,** by the Cook County Board of Commissioners, **AN ORDINANCE** to assure that individuals shall be able to register their domestic partnerships with the Cook County Clerk.

**DEFINITIONS**

For purposes of this ~~chapter~~ ordinance:

1. A "domestic partnership" shall mean the relationship of two **unmarried** adults of the same sex not married as marriage is defined under Illinois law who meet the additional criteria set forth in this ordinance.
2. A "domestic partner" shall refer to each person in a domestic partnership.
3. A "registered domestic partnership" shall mean domestic partnerships which have been properly registered in the Office of the County Clerk by the means set forth in this ~~chapter~~ ordinance and which have not been terminated under this ~~chapter~~ ordinance.
4. A "registered domestic partner" shall refer to each person in a registered domestic partnership.
5. An "affidavit of domestic partnership" shall mean an affidavit prepared by the Office of the County Clerk in accordance with procedures adopted by the County Clerk to verify that domestic partners meet the requirements of this ~~chapter~~ ordinance to become registered domestic partners. The procedures of the County Clerk with regard to such affidavits shall be adopted by the effective date of this legislation.
6. An "affidavit of termination" shall mean an affidavit on a form prepared by the Office of the County Clerk in accordance with procedures adopted by the County Clerk to effect termination of a registered domestic partnership by a registered domestic partner in accordance with this ~~chapter~~ ordinance. The procedures of the County Clerk with regard to such affidavits shall be adopted by the effective date of this legislation.

**DOMESTIC PARTNERSHIP REGISTRATION**

1. In order to register a domestic partnership, the domestic partners shall jointly execute an affidavit of domestic partnership before a notary public and file the affidavit in the Office of the County Clerk.
2. In addition to identifying information, each person executing an affidavit of domestic partnership must declare under penalty of perjury that:
  - a. Neither domestic partner is legally married as marriage is defined under Illinois law;
  - b. Each domestic partner is eighteen (18) years of age or older;
  - c. Each domestic partner is competent to enter into a contract;
  - d. The domestic partners are not related by blood in a manner that would bar marriage in the State of Illinois;
  - e. The domestic partners share a common household within Cook County, or one domestic partner is employed to work within Cook County;



- f. The domestic partners are in a close and committed relationship of mutual financial and emotional support and intend to remain in such a relationship;
  - g. Each is the other's sole domestic partner and intends to remain each other's sole domestic partner;
  - h. Neither domestic partner was in a registered domestic partnership that has terminated by operation of law within the thirty (30) calendar days immediately prior to the filing of the affidavit of domestic partnership; and
  - i. Each domestic partner agrees to file an affidavit of termination in accordance with this ~~chapter~~ordinance, including written notice to the other, in the event that any of the above no longer applies.
3. A registered domestic partnership shall be established and effective upon the filing of a fully executed affidavit of domestic partnership with the Office of the County Clerk and payment of any required fees.
4. A Certificate of Domestic Partnership will be issued at the time of filing of the affidavit and payment of fees.

#### FORM OF AFFIDAVIT OF DOMESTIC PARTNERSHIP

All affidavits relating to the domestic partnership shall be executed on a form provided by the Office of the County Clerk. The affidavit of domestic partnership shall contain the following information and shall be in substantially the following form:

We, the undersigned, do hereby declare ourselves to be domestic partners. We are both eighteen years of age or older, unmarried as marriage is defined under Illinois law and competent to enter into a contract. We are not related by blood in a manner that would bar marriage under the laws of the State of Illinois. We share a common household. We are in a close and committed relationship of mutual financial and emotional support and intend to remain in the relationship. We are each other's sole domestic partner, have no other domestic partner and intend to remain each other's sole domestic partner. Neither of us has terminated another registered domestic partnership within the last thirty calendar days. Each of us agrees to file a termination statement in the event that the domestic partnership is terminated.

#### AMENDMENT OF AFFIDAVIT OF DOMESTIC PARTNERSHIP

Either domestic partner may, on a form provided by the County Clerk, amend an affidavit of domestic partnership filed with the Office of the County Clerk at any time to reflect a change in the information previously provided to the County Clerk.

**TERMINATION OF REGISTERED DOMESTIC PARTNERSHIP**

1. Either or both registered domestic partners may ~~seek to~~ terminate a registered domestic partnership by filing in the Office of the County Clerk a notarized affidavit of termination declaring under penalty of perjury, that the domestic partnership is terminated, and if only one of the registered domestic partners executes the affidavit of termination, that he or she has sent written notice that he or she is terminating the registered domestic partnership to the other registered domestic partner at the other partner's last known address, by means of registered mail, return receipt requested.
2. A registered domestic partnership shall terminate by operation of law:  
(a) immediately upon either of the registered domestic partners marrying, as marriage is defined Illinois law; or (b) if (a) does not apply, then thirty (30) calendar days after the earliest date that one or both registered domestic partners has filed an executed affidavit of termination or (c) either of the registered domestic partners has died.
3. The affidavit of domestic partnership, certificate of domestic partnership and affidavit of termination forms will reflect the information in this ~~chapter~~ ordinance as to when registered domestic partnerships commence and terminate by operation of law.
4. An affidavit of termination may be rescinded by a registered domestic partner until the time that termination would otherwise take effect. Nothing in this ~~chapter~~ ordinance prevents former registered domestic partners from filing a new affidavit of domestic partnership if they satisfy the requirements of this ~~chapter~~ ordinance.

**FEES**

The County Clerk shall set reasonable fees of not more than \$30 to be charged for the (1) filing (2) amendment to, or (3) termination of, a domestic partnership registration. Upon payment of the aforesaid fee, the individual(s) shall receive two (2) certified copies of the applicable document. The fee for obtaining additional certified copies of the applicable document shall be the fee customarily charged by the County Clerk for obtaining additional certified copies of documents filed with the office of the County Clerk.

**OBLIGATIONS OF NEW DOMESTIC PARTNERS**

1. When a domestic partnership has ended, each of the partners to the domestic partnership shall jointly or separately file an affidavit of termination within thirty (30) days with the Office of the County Clerk.
2. All registered domestic partners shall, within thirty (30) days of any change in that status, give notice to any party who, in order to qualify the domestic partner for a benefit or right, relied upon or was given a copy of the affidavit of domestic partnership.

## RECORDS

1. The County Clerk shall maintain a log of registrations, amendments, certificates, and terminations of domestic partnerships by name of each individual and date of filing in a format designed to facilitate access to such statements. The log shall be a public record pursuant to the State of Illinois Freedom of Information Act. The County Clerk shall treat any other information of a personally identifying nature relating to any individual as a matter of personal privacy exempt from disclosure under the State of Illinois Freedom of Information Act.
2. Nothing herein shall be construed to prohibit the publication of statistics pertaining to domestic partnerships that have been registered with the Office of the County Clerk.

## SEVERABILITY

If any section of this ordinance or the application thereof to any individual, partnership, or circumstance shall be adjudged invalid or unconstitutional by any court of competent jurisdiction, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the controversy in which such order or judgment was rendered.

## EFFECTIVE DATE

This ordinance shall take effect ~~ninety (90) days after its passage.~~ immediately upon passage.

**Commissioner Suffredin, seconded by Commissioner Maldonado, moved the approval of the Proposed Substitute Ordinance (Comm. No. 294613). The motion carried.**

Commissioner Suffredin moved to adjourn the meeting, seconded by Commissioner Collins. The motion carried and the meeting was adjourned.

Respectfully submitted,  
Committee on Human Relations



Mike Quigley, Chairman

Attest:



Matthew B. DeLeon, Secretary